

REMARKS

Comments by the Examiner in Items 1 and 2 on page 2 of the Office Action mailed March 8, 2006 are noted. Withdrawn claims are being maintained in the above-identified application, subject to the filing of a Divisional application or applications directed to the subject matter thereof.

Applicants have amended the claims being considered on the merits in the above-identified application, in order to further clarify the definition of various aspects of the present invention. Specifically, the independent claims being considered on the merits have been amended to recite that the hollow frame member includes, inter alia, plural ribs for connecting the first and second plates of the hollow frame member, and that the hollow frame member further includes a third plate that connects a midway portion of the first plate of the hollow frame member and an end portion of the second plate of the hollow frame member. The independent claims have been further amended to recite that the (friction stir) welding is carried out at an abutted portion which is formed between the end portion of the first plate of the hollow frame member and an end portion of a plate of the another hollow frame member, using the welding tool (rotary tool). Other claims in the application have been amended in light of amendments to the independent claims reciting this third plate and reciting the plural ribs. Claims 22 and 27 have been amended to recite a joint plate extending between second plates of the hollow frame member and of the another hollow frame member.

Initially, it is respectfully requested that the present amendments be entered. Noting the bases for rejection of the claims under the first paragraph of 35 U.S.C. §112, set forth for the first time in the Office Action mailed March 8, 2006, it is respectfully submitted that the present amendments are clearly timely. Moreover,

again noting the bases for the rejection under the first paragraph of 35 U.S.C. §112, set forth in Item 4 on pages 2 and 3 of the Office Action mailed March 8, 2006, and comparing with Figs. 9(A) - 9(D) of Applicants' original disclosure, it is respectfully submitted that the present amendments clearly materially limit any issues remaining in the above-identified application, at least presenting the claims in better form for appeal. Again noting Figs. 9(A) - 9(D) of Applicants' original disclosure, it is respectfully submitted that the present amendments do not raise any new issues, including any issue of new matter.

As can be seen in the foregoing, it is respectfully submitted that Applicants have made the necessary showing for establishing compliance with applicable requirements of 37 C.F.R. §1.116; and, accordingly, it is respectfully submitted that entry of the present amendments is proper, notwithstanding finality of the Office Action mailed March 8, 2006.

The rejection of claims 16-27 under the first paragraph of 35 U.S.C. §112, set forth in Item 4 on pages 2 and 3 of the Office Action mailed March 8, 2006, is respectfully traversed insofar as applicable to the claims as presently amended. Thus, the claims now recite that the hollow frame member has plural ribs (for example, to be illustrative and not limiting, ribs 35 in Figs. 9(A)). The claims also recite a third plate contacting a midway portion of the first plate and an end portion of the second plate; again, to be illustrative and not limiting, the plate represented by reference character 36 in Fig. 9(A). That is, the claims recite structure of plural ribs and a third plate; and it is respectfully submitted that Applicants' original disclosure, including Fig. 9(A) and the second full paragraph on page 10 of Applicants' specification, provides a sufficient written description of the plural ribs and third plate,

as in the present claims being considered on the merits, so as to satisfy the description requirement of the first paragraph of 35 U.S.C. §112.

The additional contention by the Examiner that there is an inadequate written description of the hollow frame member arranged against another hollow frame member as recited in claim 20, wherein the friction stir weld is carried out "between the end portion of the second plate of the hollow frame member and said another hollow frame member", is noted. Claim 20 has been amended to recite that the friction stir welding is carried out "at an abutted portion which is formed between said end portion of said first plate of said hollow frame member and an end portion of a first plate of said another hollow frame member". Noting, for example, Fig. 9(A), as illustrative and not limiting, it is respectfully submitted that Fig. 9(A) shows plate 34 of hollow member 31 abutting plate 34 of hollow member 32; moreover, as seen in Fig. 9(A) showing rotary tool 50 and has seen by weld bead 45 in Fig. 9(B), friction stir welding is carried out at the abutted portion formed between the end portion of the first plate of the hollow frame member and the end portion of the first plate of the another hollow frame member, using the rotary tool. Clearly, there is a sufficient description in Applicants' original disclosure, e.g., in Figs. 9(A) and (B) and in the second paragraph on page 10 of Applicants' specification, of the friction stir weld between first plates of the respective hollow frame member and another hollow frame member, for satisfying requirements of the first paragraph of 35 U.S.C. §112.

The contention by the Examiner on page 3 of the Office Action mailed March 8, 2006, that, as best understood, in the elected species in Figs. 9(A) - (D) the friction stir weld between the upper (or second) plate 33 is carried out with a joint plate 60, not the other hollow frame member, is noted. However, as can be seen in the foregoing explanation and as is clear in claim 20 as presently amended, there is

a friction stir weld provided between first plates 34, 34 of respective hollow frame members 31, 32, in Figs. 9(A) - 9(D), sufficient to satisfy the requirements of the first paragraph of 35 U.S.C. §112 with respect to the claimed subject matter being considered on the merits in the above-identified application.

In view of the foregoing comments and amendments, entry of the present amendments, and reconsideration and allowance of all claims being considered on the merits in the above-identified application, are respectfully requested.

Applicants request any shortage in fees in connection with the filing of this paper, including extension of time fees, and for which no other form of payment is offered, be charged to Deposit Account No. 01-2135, or credit any overage in fees submitted herewith (Case: 503.35255VX8).

Respectfully submitted,
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